

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANIKA OKJE ERDMANN-BROWNING,
et al.,

Plaintiffs,

v.

THOMAS J. VILSACK, et al.,

Defendants.

Case No. 23-cv-04678-JST

**ORDER DENYING EX PARTE
MOTION FOR TEMPORARY
RESTRAINING ORDER WITHOUT
PREJUDICE; DEFERRING RULING
ON APPLICATION FOR
PROVISIONAL CLASS
CERTIFICATION; AND SETTING
HEARING ON MOTION FOR
PRELIMINARY INJUNCTION**

Re: ECF Nos. 11, 12

Before the Court is Plaintiffs Anika Okje Erdmann-Browning and Jacqueline Benitez's ex parte application for provisional class certification, ECF No. 11, and ex parte motion for a temporary restraining order and an order to show cause why a preliminary injunction should not issue, ECF No. 12.

The Court denies the motion for temporary restraining order without prejudice and defers a ruling on the motion for provisional class certification. Plaintiffs have not "clearly show[n] that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition." Fed. R. Civ. P. 65(b)(1). Although Defendants submitted a truncated response to Plaintiffs' motion one day after that motion was filed, Defendants have not yet had "reasonable notice and an opportunity to be heard," *Parcel Pending, Inc. v. Johanides*, No. SACV 21-01165-CJC(JDEx), 2021 WL 4913297, at *3 (C.D. Cal. July 13, 2021), and their request for additional time to file a fuller response is justified under the circumstances.

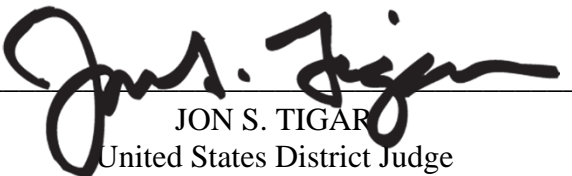
The Court sets a hearing on Plaintiffs' request for an injunction and motion for provisional class certification on September 27, 2023 at 9:30 a.m. Defendants' opposition is due September

20, 2023. Plaintiffs' reply is due September 22, 2023. The Court also sets a case management conference on September 19, 2023 at 9:30 a.m.

Unless the Court orders otherwise, both the motion hearing and the case management conference will proceed by Zoom.

IT IS SO ORDERED.

Dated: September 14, 2023


JON S. TIGAR
United States District Judge